

Minutes of a Regular Meeting of the City Council.
Austin Texas May 1st 1897.

Hon. Lewis Hancock, Mayor, presiding.
Roll called.

Present, Aldermen Beatty, Delvin, Haynes, Kuhn, Lawless, Linn,
Maddox, Miller, Platt, Powell, Redd, Roberdian, Rosenzweig,
Schneider, Shelley, Stumpf, Taylor and Townsend. 18.

Absent, Aldermen Fischer, Horton, Mitzsche and Zilker 4.

Alderman Lawless, moved to dispense with reading the minutes
and that they be approved as recorded, which motion was lost by
the following vote:

Ayes, Aldermen Delvin, Haynes, Lawless, Linn, Roberdian, Rosenzweig,
Stumpf and Taylor 8

Nays, Aldermen Beatty, Kuhn, Maddox, Miller, Platt, Powell, Redd,
Schneider, Shelley and Townsend 10

Alderman Fischer entered the Council Chamber.

Alderman Maddox stated that he desired the minutes read as they
did not agree with his recollection of the proceedings, as to one
certain ordinance, which was before the Council at the last meeting.
Alderman Linn moved that the Clerk be instructed to read his in-
dorsement on said ordinance, which motion prevailed and the endor-
sements on said ordinance was read, as were also the minutes relat-
ing to said ordinance.

Aldermen Mitzsche and Zilker entered the Council Chamber.

Minutes approved as recorded Alderman Linn moved that the minutes be approved as recorded
which motion prevailed.

Pet. of C. McCombs for certain Street work.

By Alderman Maddox. Petition of Carl McCombs asking that certain
Street work be done on West 9th Street. Read and on motion was
referred to the Street Committee.

Memorial of Butchers asking By Alderman Miller. Memorial of Butchers, asking that a license
that license tax be levied on Butchers Tax be levied upon Butchers Read, and upon motion, referred to
the Market Committee.

Pet. of W. M. McElroy regarding Streets and Alleys in Out lot etc., Division "J".
By Alderman Delvin, Petition of W. M. McElroy, in regard to
Streets and Alleys in Out lot etc., Division "J", Read by Captain
and on motion referred to the Street Committee and City Engineer.

Report of Standing Committees.

Finance Com's report on Bond Alderman Townsend, for the Finance Committee presented the
of 1st Mayr City Treasurer following report, which was read and adopted:

Austin, Texas, May 1st 1897.

Hon. Lewis Hancock, Mayor, and City Council of the City of Austin:
Gentlemen: Your Finance Committee to whom was referred the offic-
ial bond of the Municipal City Treasurer, beg leave to report that we
find the same correct as to form, and that the Sureties are suffi-
cient, and do therefore commend the same.

C. M. Townsend

M. L. Fischer

Finance Committee.

Police Committee report on City Marshal's report for month of April 1897 of the City Marshal for the month of April 1897, presented their report, stating that the reports had been examined and found correct.

The report of the Committee was adopted.

Unfinished Business.

Mayor's veto message of Ord. Approp. \$1760 to pay salaries of Aldermen.

Mayor's Office,

Austin, Texas, May 10th 1897.

To the Hon. City Council:

Gentlemen: I herewith return to you with my disapproval an ordinance passed by you at your last regular meeting, entitled "An ordinance appropriating the sum of \$1760.00 for the purpose of paying salaries of Aldermen," with my reasons therefor as follows:

This ordinance seeks to appropriate in a lump sum, the money which would be earned by the Aldermen as salaries, provided, they all attend every regular meeting from now to the end of the fiscal year.

Under other circumstances than those now existing in the City finances, this might, perhaps, be unobjectionable. It is, however, well known to you that existing conditions in our General Revenue department are unusual, and that there is grave doubt whether the expenses can be kept within the revenue. It seems to me certain that at the present rate of expenditure, there will be a deficit at the end of the year, and that some portion of the City's just obligations, for labor done or services rendered, must go unpaid and to that extent the City creditors be forced to wait for their money or forego their just claims. This being the case, it does not seem to me fair that one class of creditors should have ^{an} advantage over all other classes. If this ordinance should go into effect, it would mean that the Aldermen would get their money, whether other creditors got theirs or not.

It is a setting aside in advance, of just so much money, which must be held sacredly to meet the claims of the Aldermen, whether other creditors are paid or not, and even though the whole operation of the City's government might be blocked in consequence.

Another serious objection to the ordinance is, that, being an appropriation ordinance, it is in its nature exclusive; that is, any money once appropriated is thereafter set aside for its special purpose and excluded from the fund applicable to other and later appropriations.

The customary language of an appropriation ordinance specifying that the money so appropriated shall be paid out of any money in the treasury not otherwise appropriated, shows that it is both the intention and effect of such an ordinance to set aside so much money and withdraw it from the reach of future appropriations. Of these things the executive officers of the City are bound to take notice, at their peril, and they might, and probably would, be compelled, to assure themselves that there would at all times be sufficient money in the Treasury, to meet the requirements. This ordinance was issued and warranted based upon other ordinances subsequent to, passed, and in case they could not thus assure themselves, it would probably become their duty, if called to issue any warrant, at all, which would or might involve their ability to issue warrants.

under this ordinance.

This would result in tying up in the treasury a sum sufficient to meet the requirements of this ordinance, no matter what ordinance might be subsequently passed and no matter how great might be the needs of the City in other directions.

Respectfully,

Lewis Hancock, Mayor.

Also the following Veto message:

Mayor's Office,
Austin, Texas, May 11th 1897.

Mayor's veto message of Ord. To the Hon. City Council.

appropriating \$1,160.00.

Citizens: I herewith return to you an ordinance passed by you at your last regular meeting on May 3rd inst. entitled An ordinance appropriating the sum of \$10,838.92 for the purpose of paying Salaries of Officers and Employees of the City, with my disapproval of same and my reasons therefor, as follows:

1st The ordinance seeks to secure the payment of one class of the City's creditors in preference to others and is therefore unfair.

2nd The passage of this ordinance would put the executive officers of the City on notice that so much money had been set apart for a specific purpose and must not be infirmed upon and might in that way, tie up the whole or a large part of the amount thus set apart, while other creditors and other departments of the City government suffered.

These reasons have been set forth more fully in my message just laid before you vetoing an appropriation to pay salaries of Aldermen for the balance of the year, the objections to both ordinances resting upon the same grounds, but I trust this short statement of them, will make plain the serious objections to the passage of the ordinance.

Respectfully,

Lewis Hancock, Mayor.

^{Veto had on passage of Ord. to pay salary of Aldermen} The Mayor stated the question to be "Shall the ordinance appropriating the sum of \$1,160.00 to pay salaries of Aldermen now pass notwithstanding the Mayor's objections", which was lost by the following vote:
Cees, Aldermen Haynes, Linn, Maddox, Miller, Chat, Cowell, Robertson, Rosengren, and Townsend. 9.
Nays, Aldermen Beatty, Belvin, Fischer, Kuhn, Lawless, Kitchne, Redd, Schneider, Shelley, Stumpf, Taylor and Gilker 17.

^{Veto had on passage of Ord. to pay salaries of Officers and employees} The vote was then had on the question of the passage of the ordinance named in the second veto message, appropriating the sum of \$10,838.92 to pay salaries of Officers and employees, notwithstanding the Mayor's objections.

The veto of the Mayor was sustained by the following vote:

Cees, Aldermen Haynes, Linn, Maddox, Miller, Chat, Cowell, Redd, Robertson, Rosengren, Stumpf and Townsend. 11.

Nays Aldermen Beatty, Belvin, Fischer, Kuhn, Lawless, Kitchne, Schneider, Shelley, Taylor and Gilker. 19.

Alderman Maddox moved that it be regular order of business for Tuesday, and the City Police Committee be allowed to name a warden, which was agreed to.

Police Com's report on pet of citizen Alderman Cowell, for the Police Committee to whom was referred the petition of Frank Austin asking that D. Cargill be Citizens of South Austin, to have D. Cargill appointed a Policeman etc. pre-reinstated on Police Force also Com sented the following report:

recommendation that it be sent to
the Mayor and City Council of the City of Austin.

May 1st 1893.

To the Hon. Mayor and City Council of the City of Austin.

Your Committee on Police, to whom was referred the petition of the Citizens of N^o Ward to place D. Cargill on the Police force, have considered same and do have to recommend that the same be granted, and further, that Mr. P. Glumb also be reinstated on the Police force.

Respectfully submitted,

P. W. Powell,

H. S. Haynes Police Committee.

Alderman Maddox moved to adopt the report of the Committee.

Alderman Linn, moved as a substitute, that the report lie on the table subject to call, which motion prevailed by the following vote:

Cea, Aldermen Belvin, Fischer, Haynes, Kuhn, Lawless, Linn, Nitschke, Powell, Rosengren, Stumpf and Gilker 11.

Hayns, Aldermen Beatty, Maddox, Miller, Platt, Redd, Roberson, Schneider, Shelley, Taylor and Townsend 10.

Ond. amending Art. 329 of Revised Civil Ond. laid before Council.

The Mayor laid before the Council an ordinance amending Article 329 of the Revised Civil ordinances of the City of Austin Texas.

Alderman Maddox, offered the following amendment to the ordinance.

"Amend by striking out the word fifteen, and insert seventeen".

Alderman Taylor moved to table the amendment. Lost by the following vote:

Cea, Aldermen Beatty, Platt and Taylor. 3.

Hayns, Aldermen Belvin, Fischer, Haynes, Kuhn, Lawless, Linn, Maddox, Miller, Nitschke, Powell, Redd, Roberson, Rosengren, Schneider, Shelley, Stumpf, Townsend and Gilker 7.

Alderman Belvin, moved the previous question on the amendment and the same was ordered by the following vote:

Cea, Aldermen Beatty, Belvin, Fischer, Haynes, Kuhn, Linn, Maddox, Miller, Nitschke, Platt, Powell, Redd, Roberson, Rosengren, Schneider, Shelley, Stumpf, Taylor and Gilker. 19.

Hayns, Aldermen Lawless and Townsend. 7.

The amendment offered by Alderman Maddox was then adopted by the following vote:

Cea, Aldermen Beatty, Haynes, Maddox, Miller, Platt, Powell, Redd, Roberson, Schneider, Shelley and Townsend 11.

Hayns Aldermen Belvin, Fischer, Kuhn, Lawless Linn, Nitschke, Rosengren, Shelley, Taylor and Gilker. 10.

Alderman Lawless was excused from further attendance.

The ordinance was then read third time, and passed by the following vote:

Cea Aldermen Beatty, Haynes, Maddox, Miller, Powell, Redd, Roberson,

Schneider, Shelley and Townsend. 15.

Hayns, Aldermen Belvin, Fischer, Kuhn, Linn, Nitschke, Rosengren, Stumpf, Taylor and Gilker. 9.

Carried in the negative, Vot. 11, No. 1.

Ord appropriating \$100 to pay
Drivers & labor for May 1897, laid
before Council & failed to pass.

The Mayor laid before the Council an ordinance appropriating the sum of \$100.00 to pay Drivers and labor for street work for the month of May 1897.

The ordinance was read the third time, and on final passage was lost by the following vote:

Yea, Aldermen Delvin Haynes, Linn, Maddox, Miller, Platt, Powell, Redd, Schneider, and Townsend 10.
Nay, Aldermen Beatty, Fischer, Huhn, Kitzsche, Roberdrum, Rosengren, Shelley, Stumpf, Taylor, Gilker and the Mayor 11.

On motion Alderman Kitzsche was excused from further attendance at this session of the Council.

Ord. Appropriating \$100 to buy
Extra Street Labor for May 1897,
laid before Council & failed to pass.

The Mayor then laid before the Council an ordinance appropriating the sum of \$100.00 to pay extra Street Labor for the month of May 1897.

The ordinance was read a second time.
Alderman Maddox moved to amend by striking out the word "May" and insert the word "June" which motion was lost by the following vote:
Yea, Aldermen Delvin, Haynes, Maddox, Miller, Platt, Redd, Roberdrum, and Schneider 8.

Nay, Aldermen Beatty, Fischer, Huhn, Powell, Rosengren, Shelley, Stumpf, Taylor, Townsend and Gilker 11.

A motion was then made to suspend the rule and place the ordinance on its third reading - which motion was lost by the following vote:

Yea, Aldermen Delvin, Haynes, Linn, Maddox, Miller, Platt, Redd, Schneider, S.
Nay, Aldermen Beatty, Fischer, Huhn, Powell, Rosengren, Shelley, Stumpf, Taylor, Townsend and Gilker 11.

Ord. appropriating \$350.00 to pay
Salaries of Sanitary employes.

Final Passage.

The ordinance was passed under suspension of the rules by the following vote:
Yea, Aldermen Beatty, Delvin, Fischer, Haynes, Huhn, Linn, Maddox, Miller, Platt, Powell, Redd, Roberdrum, Rosengren, Schneider, Shelley, Stumpf, Taylor, Townsend and Gilker 19.
Nay, None.

Alderman Haynes offered the following resolution:

Whereas, under the resolution of the Council, requiring Commissioner Sawyer placing of additional wagons to work City Prisoners, two of the City wagon and teams are almost worn out at disposal of City Engineer constantly required for that purpose, thus leaving the City Engineer without a wagon and team necessary to keep up with necessary bridge repairs and other work.

Therefore, be it

Resolved, by the City Council of the City of Austin, that one additional City wagon and pair of Mules be placed at the disposal of the City Engineer.

This resolution was read and adopted by the following vote:

Yea, Aldermen Delvin, Haynes, Linn, Maddox, Miller, Platt, Redd, Roberdrum, Rosengren, Schneider, Shelley, S.
Nay, Aldermen Beatty, Fischer, Huhn, Powell, Rosengren, Schneider, Shelley, Stumpf, Taylor, Townsend and Gilker 13.

Attest, Wm. C. Johnson, Clerk of the City Council of Austin, Tex., and I, Wm. C. Johnson, Attesting.

Wm. C. Johnson, Clerk.

The ordinance was read first time and on motion the rule was suspended, and the ordinance was placed on its second reading by the following vote: C. S. Alderman Belvin, Fischer, Haynes, Kuhn, Linn, Maddox, Blatt, Cowell, Redd, Robertson, Rosengren, Schneider, Shelley, Stumpf, Taylor, Townsend and Gilker 14.

Haynes, Alderman Beatty and Miller 7.

The ordinance was read a second time.

Alderman Haynes moved to amend the ordinance by striking out \$10.00 and inserting \$8.00 which motion was lost.

On motion was then made to suspend the rule and place the ordinance on its third reading which motion was lost by the following vote:

C. S. Alderman Belvin, Fischer, Kuhn, Blatt, Cowell, Redd, Robertson, Rosengren, Schneider, Shelley, Stumpf, Taylor, Townsend and Gilker 14.

Haynes, Alderman Beatty, Haynes, Linn, Maddox and Miller 5.

Alderman Linn moved to reconsider the vote, by which the Council refused to suspend the rule and place the ordinance on its third reading. Alderman Linn then moved to suspend the rule and place the ordinance on its third reading, and his motion prevailed by the following vote:

C. S. Alderman Beatty, Belvin, Fischer, Kuhn, Linn, Miller, Blatt, Cowell, Redd, Robertson, Rosengren, Schneider, Shelley, Stumpf, Taylor, Townsend and Gilker 14.

Haynes Aldermen Haynes and Maddox 7.

The ordinance was then read a third time and passed by the following vote:

C. S. Alderman Beatty, Belvin, Fischer, Kuhn, Linn, Miller, Blatt, Cowell, Redd, Robertson, Rosengren, Schneider, Shelley, Stumpf, Taylor, Townsend and Gilker 14.

On motion Alderman Beatty was excused from further attendance at this session of the Council.

~~Ord. appropriating 600⁰⁰ to repair bridges & culverts in 4th Ward.~~ By Alderman Blatt, An ordinance appropriating the sum of 600⁰⁰ for the purpose of repairing bridges and culverts in the 4th Ward.

The ordinance was read first time, and on motion was referred to the Street Committee.

~~Resolution directing Street Comm & City Engineer to remove fence around Hemphill Park.~~ Alderman Schneider offered the following resolution which was adopted. Whereas the fence around Hemphill Park, is falling down, and of need fence around Hemphill Park, therefore be it

Resolved, that the City Engineer and Street Commissioner be instructed to remove said fence, and use the material on the Streets

J. B. Schneider,

H. S. Haynes,

W. D. Miller, Park Committee.

Alderman Belvin, moved that the Council adjourn until 8:30 o'clock P.M. tomorrow May 18th. Cast by the following vote:

C. S. Alderman Belvin, Fischer and Gilker 3.

Haynes Aldermen Haynes, Kuhn, Linn, Maddox, Miller, Blatt, Cowell, Redd, Robertson, Rosengren, Schneider, Shelley, Stumpf, Taylor and Townsend 15.

~~Ord. appropriating 100⁰⁰ to the Fire Department for the purchase of a new fire truck.~~

~~Ord. appropriating 100⁰⁰ to the Fire Department for the purchase of a new fire truck.~~

Powell, Redd, Roberdeau, Rosengran, Schneider, Shelley, Stumpf, Taylor, Townsend and Gilker 18.

Nays, None.

Ord appropriating \$10 to pay by Alderman Townsend. An ordinance appropriating the sum of \$10.⁰⁰ to pay salaries of Aldermen for April 1891. Salaries of Aldermen for the month of April 1891.

The ordinance was read first time, and on motion the rule was suspended and the ordinance placed on its second reading by the following vote:
Yes Aldermen Delvin, Fischer, Haynes, Huhn, Linn, Maddox, Miller, Platt, Powell, Redd, Roberdeau, Rosengran, Schneider, Stumpf, Taylor, Townsend and Gilker 19.

Nays, Alderman Shelley 1.

The ordinance was read a second time.

Moved by striking out \$10⁰⁰ and inserting \$430.⁰⁰ for April and May \$210.⁰⁰, the sum of \$130.⁰⁰ for April and May 1891, which motion prevailed by the following vote:

Yes Aldermen Delvin, Fischer, Haynes, Huhn, Linn, Maddox, Miller, Platt, Powell, Redd, Roberdeau, Rosengran, Schneider, Stumpf, Taylor, Townsend and Gilker 19.

Nays Alderman Shelley 1.

Final passage of Ord. as amended. The ordinance was then passed under suspension of the rule by the following vote:

Yes Aldermen Delvin, Fischer, Haynes, Huhn, Linn, Maddox, Miller, Platt, Powell, Redd, Roberdeau, Rosengran, Schneider, Stumpf, Taylor, Townsend and Gilker 19.

Nays Alderman Shelley 1.

Ord. appropriating \$13.⁰⁰ to pay by Alderman Townsend. An ordinance appropriating the sum of \$13.⁰⁰ to pay claim of E. F. Alley for rent of ground on which to bury dead animals for the year 1896.

The ordinance was read first time.

Alderman Haynes moved that the Council do now adjourn, which motion prevailed.

Jno. O. Johnson
City Clerk.